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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/901,560

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Jeremy A. Kenyon

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/901,560

Applicant(s)

KENYON, JEREMY A.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/27/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the application filed July 09, 2001.
2. Claims 1-36 have been examined.

#### *Priority*

3. The priority date considered for this application is July 09, 2001.

#### *Oath/Declaration*

4. The Office acknowledges receipt of the properly signed Declaration filed January 9, 2002.

#### *Information Disclosure Statement*

5. The Office acknowledges receipt of the Information Disclosure Statement filed December 27, 2002. It has been placed in the application file and the information referred to therein has been considered.

#### *Drawings*

6. The drawings filed July 09, 2001 is accepted by the Examiner.

#### *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 5, 22-30 and 32-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "one or more added sub-menu items" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 22 (line 9), 23 (line 2), 25 (line 11), 26 (line 2), 28 (line 11), 29 (line 2), 30 (line 9), 32 (line 2), 33 (line 11), 34 (line 2), 35 (line 11) and 36 (line 2) recite the limitation "the sub-menu items." There is insufficient antecedent basis for this limitation in the claim. It is unclear as to which sub-menu items (first, second or both sub-menu items) this limitation refers to.

Claims 24, 27 and 30 recite the limitation "said resource" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is unclear as to which resource (first or second) this limitation refers to.

### *Claim Rejections – 35 U.S.C. § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,

except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

10. Claims 1-6 and 8-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,570 to Tanigawa et al. ("Tanigawa").

### **Claims 1 and 14**

Tanigawa discloses at least:

*receiving from a remote server a distribution collection of sub-menu items for a menu item (see at least Figure 27; steps S2702, S2704, S2706, S2712, S2728, S2736, S2752, S2754; and related discussion in the specification);*

*determining whether one or more of the sub-menu items of said distribution collection are not part of an operational collection of sub-menu items of the menu item (see at least Figure 27; steps S2754, S2756; and related discussion in the specification);*

*updating the operational collection of sub-menu items of the menu item (see at least Figure 27, steps 2756, S2758; and related discussion in the specification); and*

*changing an operational visual representation of the menu item from a first state to a second state to convey to a user of the client device that new sub-menu items have been added to the operational collection of sub-menu items of the menu item (see at least Figure 27, transition from S2758 to S2702; and related discussion in the specification).*

### **Claims 2 and 15**

Rejections of base claims 1 and 14 are incorporated. Tanigawa further discloses *wherein said updating of the operational collection of sub-menu items of the menu item comprises adding said one or more of the sub-menu items of said distribution collection that are not part of said operational collection of sub-menu items of the menu item to the operational collection of sub-menu items of the menu item (see at least Figure 27, steps 2756, S2758; and related discussion in the specification).*

### **Claims 3 and 16**

Rejections of base claims 1 and 14 are incorporated. Tanigawa further discloses *wherein said first state of the operational visual representation of the menu item comprises a description of the menu item, and said changing of the operational visual representation of the menu item from the first state to the second state comprises changing said operational visual representation of the menu item comprising said description of the menu item to an operational visual representation of the menu item comprising said description of the menu item annotated with an indication that one or more sub-menu items have been added to the operational collection of sub-menu items of the menu item* (see at least Figure 25 and related discussion in the specification).

### **Claims 4 and 17**

Rejections of base claims 1 and 14 are incorporated. Tanigawa further discloses *wherein the method further comprises responsive to an occurrence of a predetermined condition, changing said operational visual representation of the menu item from said second state back to said first state* (see at least Figure 27, transition from S2758 to S2702; and related discussion in the specification).

### **Claim 5**

Rejections of base claim 1 and intervening claim 4 are incorporated. Tanigawa further discloses *wherein said predetermined condition comprises a user having selected a predetermined number of the one or more added sub-menu items* (see at least 23:39-50).

### **Claims 6 and 18**

Rejections of base claims 1 and 14 respectively are incorporated. Tanigawa further discloses *wherein said menu item corresponds to a family of program products, said*

*sub-menu items correspond to program products of the family, and said one or more sub-menu items that are not part of the operational collection of sub-menu items of the menu item correspond to newly available program products of the family or newly available versions of the program products of the family (see at least Figures 12, 13, 14 and related discussion in the specification).*

#### **Claims 8 and 19**

Rejections of base claims 1 and 14 are incorporated. Tanigawa further discloses *wherein said menu item corresponds to a family of media contents, said sub-menu items correspond to media contents of the family, and said one or more sub-menu items that are not part of the operational collection of sub-menu items of the menu item correspond to newly available media contents of the family or newly available versions of the media contents of the family (see at least Figures 15-18 and related discussion in the specification).*

#### **Claim 9**

Rejections of base claim 1 and intervening claim 8 are incorporated. Tanigawa further discloses *wherein the family of media contents is a bulletin board of information postings, and each of media contents is an information posting (see at least Figures 21-25 and related discussion in the specification).*

#### **Claims 10 and 20**

Rejections of base claims 1 and 14 are incorporated. Tanigawa further discloses *wherein said menu item corresponds to a family of documents, said sub-menu items correspond to documents of the family, and said one or more sub-menu items that are not part of the operational collection of sub-menu items of the menu item correspond to newly available documents of the family or newly available versions of the documents of the family (see at least Figures 10, 15-18 and related discussion in the specification).*

### **Claims 11 and 21**

Rejections of base claims 1 and 14 are incorporated. Tanigawa further discloses *wherein one or more sub-menu items comprise locators identifying locations from which resources to which the one or sub-menu items correspond can be retrieved* (see at least 1:22-51).

### **Claim 12**

Rejections of base claim 1 and intervening claim 11 are incorporated. Tanigawa further discloses *wherein said locations are disposed within a local file subsystem, and the method further comprises receiving said resources into said locations of said file subsystem from a selected one of said remote server or an agent of said remote server* (see at least 1:22-51).

### **Claim 13**

Rejections of base claim 1 and intervening claim 11 are incorporated. Tanigawa further discloses *wherein said resources comprise selected ones of executable, text files and web pages* (see at least 1:22-51).

### **Claims 22 25, 28, 31, 33 and 35**

Tanigawa does not specifically disclose:

*installing a first version of a first resource on an apparatus;*  
*installing also on said apparatus a first sub-menu item corresponding to the first version of the first resource,*  
*installing further on said apparatus an agent to facilitate subsequent installing on said apparatus a second sub-menu item corresponding to a selected one of a second version of the first resource and a third version of a second resource, and to facilitate modification of a visual representation of a menu item of said apparatus to which the sub-menu items are members, to draw an user's attention to said second sub-menu item.* However, the installing steps of various



versions of the resources are deemed inherent to Tanigawa teachings which comprise an updating (note that the process of updating is inherently one of installing required by an updated version of resource) step shown as S2758 in Figure 27. If there is only one version of a resource, then there is no need for updating the display of resource data.

**Claims 23, 26, 29, 32, 34 and 36**

Rejections of base claims 22, 25, 28, 31, 33 and 4, respectively are incorporated. Since these claims recite the same features of claims 1 (i.e., the changing step) and 4, the same rejections are thus applied.

**Claims 24, 27 and 30**

Rejections of base claims 22 (and intervening claim 23), 25 and 28, respectively are incorporated. Since these claims recite the same feature of claim 13, the same rejection is thus applied.

***Claim Rejections – 35 USC § 103***

11. The following is a quotation of the 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,314,570 to Tanigawa et al. ("Tanigawa"), as applied to claims 1 and 6, in view of U.S. Patent Application Publication No. 2002/0080771 by Krumer.

### **Claim 7**

Tanigawa does not specifically disclose *wherein the family of product products is 3D computer games, and each of the program products is a 3D computer game*. However, Krumer teaches a method of utilizing PLD-based network communication protocols for networking common entertainment equipment such as home video game systems (e.g., Sony Play Station™) (see at least paragraph [0184]). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Krumer's teachings in Tanigawa because this would allow Tanigawa to generate and display operation menu for home video games.

### **Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 to 17:15.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA**  
**PRIMARY EXAMINER**

Art Unit 2192

March 15, 2005